



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY — JANUARY 26, 2005 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

REGULAR ITEMS:

1. **JOYCE ORR LOT LINE CHANGE (04-19) JACKSON AVENUE (ZEN DESIGN)**
Proposed residential lot line change.
2. **VANLEEUEWEN MINOR SUBDIVISION (05-03) TOLEMAN ROAD (PIETRZAK & PFAU)** Proposed 2-lot residential subdivision.
3. **RANJIV SALLY SUBDIVISION (05-04) UNION AVENUE (TACONIC)**
Proposed 2-lot residential subdivision.

DISCUSSION

ADJOURNMENT

(NEXT MEETING – FEBRUARY 9, 2005)

January 26, 2005

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TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 26, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
NEIL SCHLESINGER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALTERNATES: JOSEPH MINUTA
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call to order the January 26, 2005 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

REGULAR ITEMS:

JOYCE ORR LOT LINE CHANGE (04-19)

Mr. Ken Lytle appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of the lands into two single family residential lots. Application actually for a lot line change, not a conventional subdivision. Plan must clearly depict lot lines, lot lines to be removed and proposed lot lines, bulk table should be amended to provide. The driveway slopes should be indicated and profile created for lot 77. Complies with the maximum 15 percent slopes, should be verified. Proposed well for lot number 76 appears too close to the septic depicted on the adjoining lot. What is it, Mike, 100 foot separation? So you're not going to move the well, is that a proposed well or is that an existing well?

MR. LYTLE: That's an existing well and put some alternate location and we put some notes that Mark and I discussed.

MR. PETRO: That problem is going to go away.

MR. EDSALL: Alternate is a little too close, they have to move the alternate so it has the minimum 200.

MR. PETRO: Why don't you tell us what you want to do.

MR. LYTLE: Basically, it's an existing very small 15,000 square foot lot, it's non-conforming and we're looking to do a lot line change between their and her adjoining parcel making them two conforming lots and we have actually gone out, we've done deep holes, perc holes, met with Mark out there and that's what we're proposing.

MR. PETRO: Show me on the plan your lines that you want to remove and add, remove that line?

MR. LYTLE: Making one small lot and creating one new lot right here, moving this line out to here making actually one lot over to here and one remaining lot here.

MR. PETRO: I got you. So you're removing that one small line and adding one large line to create the lot?

MR. LYTLE: That's correct.

MR. PETRO: And the little bit that you're leaving the road frontage for the second lot?

MR. LYTLE: That's correct, yeah.

MR. PETRO: What is it, 100 feet?

MR. LYTLE: I believe it's 100 feet, yeah, 70 feet, sorry.

MR. ARGENIO: And the access for the rear lot is going to be through an easement through the other lot?

MR. LYTLE: That's correct, we actually provided for an easement to use our existing driveway through the newly created lot.

MR. SCHLESINGER: But you just asked him about the road frontage?

MR. PETRO: Yeah, if you wanted to, you could put it there.

MR. ARGENIO: It would be too steep.

MR. LYTLE: That's why we had to do it that way, it's too steep.

MR. PETRO: Mark, he has some cleaning up to do on the plans.

MR. EDSALL: This is really the first review we've done so it's, I tried to get everything covered so they could make one bulk correction and then get it back in. Do we have anything from Mr. Kroll on this one?

MR. PETRO: Under review. I'll entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare lead agency under the SEQRA review process for the Joyce Orr lot line change on Jackson Avenue. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Let's discuss a public hearing, gentlemen, does anybody feel that we need a public hearing to change this line and make a bigger lot?

MR. KARNAVEZOS: Make a motion we waive the public hearing.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the

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New Windsor Planning Board waive the public hearing under its discretionary judgment for the Joyce Orr lot line change on Jackson Avenue. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Why don't you clean some of these comments up? Conceptually, nobody has a problem and we'll see you at the next meeting.

MR. LYTLE: Thank you. Have a good night.

VAN LEEUWEN MINOR SUBDIVISION (05-03)

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. PETRO: Minor subdivision and lot line change on Toleman Road. Application proposes a minor subdivision of lot 107 with a private road, total two lots, and in addition a lot line change with the adjoining lot 26.11. The bulk information on the plan shows some correction, Henry, bulk information needs some correcting regarding lot width 175 feet, required side yard is 40, total side yard is 80, maximum developmental coverage is 20 percent, verify that the private road easement is subtracted from lot number 1, provide table of subtractions. Take that with you. Just show us what you want to do and show us the lines that you want to take out and put in.

MR. VAN LEEUWEN: This piece of property we're going to join to this larger piece over here.

MR. PETRO: So you're removing that large line, the whole side yard line?

MR. VAN LEEUWEN: This line we're removing, this will be the new line and then the property line will be a little over, I think it's, I've got to put my glasses on, it's over five acres each, this one is 12 acres and this one's 11 acres, so there's 11 and 12 we're going to put a private road.

MR. PETRO: It's tough to be in your 80's.

MR. VAN LEEUWEN: I've been at this thing for a year.

MR. PETRO: Mark, taking R-1 and going to OLI?

MR. EDSALL: What's happening is the right portion about 12 acres is being, by lot line change being added

to the Tavern Village property which is in OLI so when the lots are, the area is combined that front lot now is going to be split with the zone line, this is actually an office and light industry, this is actually a subdivision and a lot line change.

MR. VAN LEEUWEN: Yes, it's a two lot subdivision.

MR. PETRO: So when you do a site plan on the property whatever the zone is for the R-1.

MR. VAN LEEUWEN: We're not going to do a site plan, not for this, if it ever happens it will be a long time from now.

MR. PETRO: But the zone line will still exist so you can only encroach so many feet, if you're going to use it for OLI whatever that building is going to be there.

MR. VAN LEEUWEN: Then I have to go to the Town Board to--

MR. PETRO: For a variance or a certain amount of encroachment you can have anyway.

MR. VAN LEEUWEN: What we want to do is get rid of this parcel.

MR. PETRO: Do you have a copy of Mark's comments?

MR. VAN LEEUWEN: Yes, I do.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Mark, we're going to do the lead agency even though we're going to have to send it to--

MR. EDSALL: Well, it's not clear at this point whether or not they need a permit from DEC. If DEC has necessary permits then we should actually do a lead agency coordination and ship it over to him. I'm not quite sure where they stand if there's been a determination made.

MR. VAN LEEUWEN: We had somebody go in and do the wetlands.

MR. EDSALL: Do you need permits from DEC?

MR. VAN LEEUWEN: No.

MR. PETRO: He's saying no so if we don't need them we'll take lead agency and if it's a problem we'll have to circulate a lead agency circulation letter later.

MR. EDSALL: We'll just ask for documentation from the consultant as to the disposition of the DEC's determination.

MR. PETRO: You must have a letter, right, you had somebody go there?

MR. VAN LEEUWEN: Right, we had, I forget the guy's name but he's from across the river.

MR. PETRO: But you have it in writing so you can copy just a letter, Myra, we can have it in the file.

MR. VAN LEEUWEN: Yes, I'll have it in few days.

MR. EDSALL: Mr. Torgerson did your delineation.

MR. VAN LEEUWEN: Correct.

MR. EDSALL: We'll follow up on it for now.

MR. PETRO: We have a motion and seconded, I'm going to continue with it, Mark, if something changes, let us know, he can withdraw the motion meaning in the future and/or it will stand or we can circulate a letter. Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the VanLeeuwen subdivision/lot line change on Toleman Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should determine if the public hearing will be necessary for this minor subdivision or can the same be waived per the section we just did prior?

MR. KARNAVEZOS: I'll make a motion that we waive the public hearing.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the minor subdivision of VanLeeuwen minor subdivision/lot line change on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE

MR. ARGENIO AYE
MR. PETRO AYE

MR. PETRO: We'll let the negative dec go until Mark clears that up and you have a number of bullet items that you have to take care of. It has to go to the Orange County Department of Planning, Hank, it's a new law as of September 1, 2004 and I think that's as far as we've got to go. Does anybody have anything?

MR. EDSALL: No, they've got my comments and again I tried to make it as complete as possible so we can get it all addressed all in one shot.

MR. PETRO: Was there anything from Henry? Under review?

MS. MASON: Nothing.

MR. PETRO: Fire was disapproved, Henry, but that's because it needed to have separate driveways, I guess you've taken care of that, right?

MR. VAN LEEUWEN: Yes, it's a private road.

MR. PETRO: That was on the 11th so that was quite a while ago so--

MR. VAN LEEUWEN: Yes.

MR. PETRO: Okay, anything else?

MR. VAN LEEUWEN: Yeah, is there any way you can get a subject-to? I have all the stuff I need.

MR. PETRO: Too many, Henry.

MR. VAN LEEUWEN: Ive been with Mark three times. I understand.

MR. PETRO: But I'll put you on the agenda.

MR. EDSALL: There's a 30 day turnaround with the Orange County Planning.

MR. PETRO: On another subject, the parking at the building on Route 32 you're withdrawing that?

MR. VAN LEEUWEN: Yes, sir, the only thing that will be there is trucks which have always been there.

MR. PETRO: But you're not parking cars for Newburgh Nissan or just--

MR. VAN LEEUWEN: No more.

MR. PETRO: So that application is withdrawn?

MR. VAN LEEUWEN: That's done.

MR. PETRO: Thank you very much.

RANJIV SALLY SUBDIVISION (05-04)

Mr. Charles Brown appeared before the board for this proposal.

MR. PETRO: Proposed two lot residential subdivision. This application proposes subdivision of the 4.6 acre parcel into two single family residential lots. Plan is reviewed on a concept basis only. Property is R-4, zoning bulk information shown on the plan is correct for the zone and use, each lot complies with the minimum requirements. Plan provides individual access to Union Avenue which will require referral to Orange County Department of Public Works for approval and permitting. Our highway superintendent says the drainage in this area is a concern to the Town of New Windsor and the stream should be protected to ensure the drainage integrity, restrictions to the property may be needed to ensure proper drainage is maintained. Okay, why don't you show us where this is. Is this the first time we've seen this? Where is this?

MR. BROWN: On Union Avenue, County 69 below the theater.

MR. PETRO: That's where the big culvert is?

MR. BROWN: The church is right here.

MR. PETRO: You're trying to get how many houses in there?

MR. BROWN: Just two, that will be it.

MR. EDSALL: There's one house, Mr. Chairman, under construction on the east part of the property along Union Avenue as you can see.

MR. PETRO: Mike, you gave him a permit because he was just building a house on a big piece of property. Now

he's subdividing the balance to create the other lot, that's why we're at that point?

MR. BABCOCK: Correct.

MR. PETRO: Mark, what do you have for comments? Anything outstanding here?

MR. EDSALL: They meet the bulk requirements, obviously, they've made all the subtractions, the numbers are on the plan and we do have the referral issues with both county DPW and County Planning because it's on the County highway. Procedurally just need to issue the lead agency coordination letter or authorize it and decide if you want to have a public hearing. Other than that, it's basically a two lot minor subdivision, they're very large lots but the majority of each lot is tied up with wetlands.

MR. PETRO: Entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board issue a lead agency coordination letter for the Ranjiv Sally minor subdivision on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: Jim, I don't think I understand what's

going on here.

MR. PETRO: This is existing, this is one big piece of property here, he's already building one of these houses one here.

MR. BROWN: These are out-parcels.

MR. ARGENIO: So you're already building this so is that on its own lot that house now?

MR. PETRO: It's on the big lot, they're going to break this off.

MR. ARGENIO: Is the subject property, is this piece here not including this piece?

MR. BROWN: These are out-parcels, right.

MR. ARGENIO: I understand now, sorry.

MR. PETRO: There's a big ravine back here.

MR. ARGENIO: It's across the street from--

MR. PETRO: Actually drains the theater property up here then it goes down, it's real big, crosses 9W, I think there's a natural way to drain the property into that ravine, I don't know. What's Henry looking for?

MR. EDSALL: Well, if you'll notice in front of the house under construction they depict the water course, to get to the house that's under construction they're constructing a pair of 36 inch drainage pipes so that the flow can be carried to the County culverts. Henry as I understand it is concerned that any of these drainage channels get obstructed or filled in or narrowed because it would obviously impact the whole area. There's so much flow that goes through here so one of the things that you can consider is some deed

restrictions that acknowledge that this is a real serious water course and prohibit anyone from altering it or blocking it and requiring that they maintain it.

MR. BROWN: That would be fine.

MR. ARGENIO: So implicit in that statement, Mark, is that those culverts are outside the right-of-way?

MR. EDSALL: They are and I spoke with Henry about it briefly and I said Henry, the house is already under construction, the culvert's already going in as part of the permit, that had nothing to do with the planning board, but if you're concerned about it we can probably ask the planning board to propose some restrictions.

MR. BROWN: That's not a problem.

MR. PETRO: Who sized the 36 inch culverts?

MR. BROWN: I did that. They're actually way oversized because the one that goes underneath the County road there is a 30 inch.

MR. PETRO: Really, that's small, there's a lot of water that goes through there.

MR. EDSALL: In the workshop, it was explained that they were being very careful and conservative in having this way over the other, the County's capacity.

MR. PETRO: Keep in mind with the size may be good for now but later on with more development the water gets more and more that's why it's oversized anyway but seems like you really oversized it.

MR. BROWN: Right.

MR. PETRO: We don't have a problem if this is a 30 inch over there and two 36 inches there is fine but the

deed restriction.

MR. BROWN: That's fine.

MR. EDSALL: We don't need to create an easement so there's going to be no subtractions but just on the plan include a note and then it's up to the board if they want to have a deed restriction that just references it so that--

MR. ARGENIO: What would the deed restriction say?

MR. EDSALL: Restrictive covenant that would identify the fact that the property includes a major drainage course that affects not only subdivision properties but if it's altered would affect other adjoining properties and you can impose a condition of the subdivision that that course cannot be altered, blocked, whatever unless a subsequent approval is approved or from the Town of New Windsor.

MR. PETRO: It has to go to the Orange County Planning Department, we're not going to waive the public hearing, I want to get back the letters. Anything technical? I don't think there's any problem at all, it's a large piece of property. Originally someone else looked at this, was trying to put four houses on it so I think that you're doing--

MR. BROWN: I looked at it with him, I told him no way.

MR. PETRO: You're doing the right thing and that's it.

MR. BROWN: I submitted a copy to DPW, did that go out?

MR. EDSALL: No, Myra and I will--

MR. PETRO: We have fire approval.

DISCUSSION

MR. ARGENIO: Mark, regarding the Orange County Planning Department, I'm just curious in a paragraph or less without going into a big--

MR. EDSALL: I'll make it short.

MR. ARGENIO: --Andy Krieger-esque oration, what's the Orange County Planning Department looking for, anything specific that will flag them that will raise a flag when plans go to them from Cornwall, New Windsor, Town of Newburgh, Chester, wherever?

MR. EDSALL: The requirements for the County Planning to review applications is part of the General Municipal Law, it's been there for years. In the early '90s the County Planning Department recognized that they need not review every little thing that comes before municipal planning boards, so they signed intermunicipal agreements between the County of Orange and each municipality saying unless it's a project of this magnitude we don't want to review it, you can have local jurisdiction automatically and the threshold they set is equivalent to a Type I action under SEQRA. They're supposed to be looking for a project that impacts not only the locality but is more of a regional planning issue so that agreement back in the early '90s made a lot of sense because two lot subdivisions, minor site plan really doesn't have a regional or intermunicipal impact but for some reason the County believes now that it's more wise or appropriate that they review everything so we're back where we started.

MR. ARGENIO: So there's the history. Is there anything that you know of that they're specifically looking for that would trigger their flag?

MR. EDSALL: Everything, they treat it as you review plans for impacts they're reviewing them for both

detailed comments. Now they make comments about landscaping. I've gotten back on other municipalities their review says you really should have more plants here. I don't think that was a County function but that's what they're doing. My understanding was they're supposed to be reviewing it for larger impacts that would affect not only the individual municipality but affect regional traffic drainage issues.

MR. ARGENIO: It would seem that would make sense, that's why I asked the question.

MR. EDSALL: The pendulum has swung all the way back where they're reviewing it down to detail saying the double row of plantings, that's the specific case, this double row isn't enough, you should put some low plantings in.

MR. ARGENIO: Ultimately that authority remains here?

MR. EDSALL: Correct.

MR. SCHLESINGER: And they must be getting a lot of plans in front of them now?

MR. ARGENIO: You think?

MR. SCHLESINGER: I'm trying to figure out what the time factor is here now.

MR. BABCOCK: They have to react within 30 days or they can, or you can move on.

MR. EDSALL: Even if they disapprove it or have a lot of comments, it's a majority plus one.

MR. SCHLESINGER: That's not going to backlog.

MR. EDSALL: It's unfortunate because there's a lot of minor items that make no sense for them to get.

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MR. PETRO: Motion to adjourn?

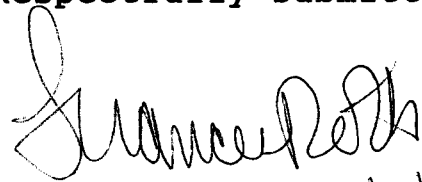
MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

1/31/05